

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:21-CV-00134-FDW

LYNN KAREN HOCK,)
)
Plaintiff,)
)
)
vs.)
)
)
U.S. DEPARTMENT OF EDUCATION,)
)
Defendant.)
)

THIS MATTER is before the Court *sua sponte* regarding the status of this case. “[A] district court possesses the ‘inherent power’ to dismiss a case *sua sponte* for failure to prosecute[.] . . . [S]uch authority derives from ‘the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.’” Eriline Co., S.A. v. Johnson, 440 F.3d 648, 654 (4th Cir. 2006) (quoting Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)). Furthermore, “aside from the interests of the individual parties in a lawsuit, a district court has an important interest in keeping its docket from becoming clogged with dormant cases...” Eriline Co., 440 F.3d at 654. Rule 41(b) of the Federal Rules of Civil Procedure permits an involuntary dismissal for failure to prosecute a case.

Plaintiff, who is proceeding *pro se*, filed her Notice of Appeal in this matter ([Doc. No. 1](#)) on March 31, 2021. The docket demonstrates this matter has been dormant since April 9, 2021, when Plaintiff paid the required filing fee pursuant to [28 U.S.C. § 1930](#). ([Doc. No. 2](#)). To date, no further filings have been made and Plaintiff has failed to file the designation of items to be included in the record on appeal and a statement of the issues to be presented to this Court as required by [Fed. R. Bankr. P. 8009\(a\)](#). Moreover, Plaintiff failed to respond to this Court’s Order, entered October 28,

2021, requiring Plaintiff to show cause why this matter should not be dismissed for her failure to prosecute ([Doc. No. 4](#)). Accordingly, this Court finds that Plaintiff has failed to prosecute her case against Defendant and dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure is appropriate.

IT IS THEREFORE ORDERED that this matter is DISMISSED without prejudice. The CLERK OF COURT is respectfully directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: November 17, 2021


Frank D. Whitney
United States District Judge